THE HON'BLE SRI. JUSTICE GODA RAGHURAM

And

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

W.P.No. 8541 of 2006

02-05-2006

Between:-

Poojari Bujjamma

Petitioner

And

The Divisional Foresst Officer, Wild Life, Tirupathi, Chittoor district and five others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

And

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

W.P.No. 8541 of 2006

Oral order:(Per: The Hon'ble Sri Justice Goda Raghuram)

This writ of Habeas Corpus is filed alleging that the petitioner's husband and another – Bethapuri Sreeramulu have been illegally detained by the 3rd and 4th respondents, Forest Range Officers of Bakarapeta and Rangampeta of Chittoor district since ten days without registering a case against them; that on 15-04-2006 when the petitioner and the two detenus were going to the village near Bakarapet at Thalakona Road, the 3rd and 4th respondents with staff came in a jeep beat them and took them by force without any cause; that on 16-04-2006 the petitioner went to 4th respondent's office and found the two detenus in the office and had conversation with them

and at that time, the 3rd and 4th respondents informed the petitioner that they would release the detenus by the evening, but the detenus were however not released.

The Forest Range Officer, S.V. National Park, Chamala, Chittoor district has filed a counter affidavit stating that on 24-04-2006 while the Forest Section Officer, Chamala with staff were patrolling in the reserve forest area of Chamala West Beat at about 5-00 P.M. in Thummakona locality, they found four persons carrying red sander logs on their shoulders; on seeing the forest staff, they tried to escape by throwing the red sander logs on the ground and were surrounded and apprehended, that they disclosed their names as (1) Poojari Krishnaiah, (2) Bethapuri Sreeramulu (3) Shaik Mohammed Rafi and (4) Bandaru Munikumar. Proceedings were drawn up. All the four red sander logs were seized and the accused were arrested under Section 53 of the Andhra Pradesh Forest Act, 1967 (for short 'the Act') for the offence of illegal transportation of red sander logs. The counter affidavit further states since the accused had committed the offence under Section 20(1)©(iii)(iv) and (x) of the Act and contraventions of Rules 3 and 4 of the Andhra Pradesh Sandal Wood and Red Sander Wood Transit Rules, 1969 punishable under Section 29(4) (a)(i) of the Act and also theft of government property punishable under Section 379 of the Indian Penal Code, a case in O.R.No.13 of 2006 was registered; the accused were produced before the learned III-Additional Munsif Magistrate, Tirupathi on 25-04-2006 and were remanded to judicial custody pursuant to the remand order and now they are lodged in the Sub-Jail, Tirupathi.

In the light of the averments made in the counter affidavit, as the detenus have been arrested in accordance with law and are in judicial remand, the writ petition is dismissed. No costs.

GODA RAGHURAM, J

M. VENKATESWARA REDDY, J

Dated: 02-05-2006

Pvks/*